

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4265 of 1995

For Approval and Signature:

Hon'ble MS.JUSTICE R.M.DOSHIT

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
  2. To be referred to the Reporter or not?
  3. Whether Their Lordships wish to see the fair copy of the judgement?
  4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
  5. Whether it is to be circulated to the Civil Judge?
- 1 TO 5 : NO.

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SHARADABEN HARIBHAI PATEL

Versus

THE DISTRICT EDUCATION OFFICER

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Appearance:

MR BS PATEL for Petitioner

SERVED for Respondent No. 1, 2, 3

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CORAM : MS.JUSTICE R.M.DOSHIT

Date of decision: 01/08/97

ORAL JUDGEMENT

Petitioner before this court is a primary teacher who, under order dated 18th March, 1995, was transferred from Ridrol to Kanakpur. Pursuant to the said order, the petitioner reported for duty at Kanakpur on 24th March, 1995. After her resuming duty at Kanakpur, on 29th April, 1995, an order was made cancelling order of her

transfer to Kanakpura. Feeling aggrieved, the petitioner has preferred this petition before this Court. Under ad-interim order made on 24th May, 1995, this Court [Coram : A. N. Divecha,J.] was pleased to stay the execution, implementation and operation of the impugned order dated 29th April, 1995. Said ad-interim order has later on been confirmed on 9th July, 1996.

2. Thus, the petitioner has been serving at Kanakpura since 24th March, 1995. It would not be in the interest of justice that the petitioner be transferred from Kanakpura after having served for two years. Petition is, therefore, allowed in terms of the ad-interim order. It is, however, clarified that the respondents shall be entitled to transfer the petitioner, if the administrative exigency so requires, in accordance with law. Rule is made absolute accordingly. There shall be no order as to costs.

1.8.1997. \*\*\*\*\*

Vyas\*